

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ZANGO, INC.,

Plaintiff,

v.

KASPERSKY LAB, INC.,

Defendant.

NO. 07-CV-0807 JCC

DECLARATION OF TOM ALLAN

I, Tom Allan, declare as follows:

1. I am the Director of Finance for plaintiff Zango, Inc. My responsibilities as Director of Finance include, among other duties, revenue analysis and forecasting. I make this declaration based upon my personal knowledge.

2. The seven-day average number of Zango's U.S. customers has decreased by an excess of 143,000, based on a comparison of the seven-day average for the week of March 29, 2007 as compared to the week of June 17, 2007. I know of no market-based reason for this decline. Rather, I believe it to be attributable to the interference with our software applications by Kaspersky Labs, Inc., PC Tools and select other anti-spyware companies.

DECLARATION OF TOM ALLAN- 1
No. 07-CV-0807

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1 3. I am aware that Derek Immekus has separately calculated that there are more than
2 53,000 Zango customers in the State of Washington. I believe that this substantial Washington
3 presence has been harmed by Kaspersky to the same extent as Kaspersky harms Zango's
4 customer base in other states. In light of the fact that Kaspersky admits 3% of its online sales are
5 to Washington residents, and Zango's knowledge that Kaspersky is sold to Washington residents
6 through other channels (Kaspersky's admitted sales through resellers, sales through
7 Amazon.com, sales through retail outlets such as Fry's Electronics, etc.), I do not believe it
8 possible that Kaspersky is not affecting any of Zango's 53,000 customers in Washington.
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17 I declare under penalty of perjury that the foregoing is true and correct.
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19 DATED this 28th day of June, 2007, at Seattle, Washington.

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23 s/ Tom Allan
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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

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